

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION

98 JUN 18 AM 10:21

U.S. DISTRICT COURT
N.D. OF ALABAMA

TIMOTHY BUTLER,

Plaintiff,

vs.

CV 98-PT-0038-M

WARDEN DELOACH and
OFFICER ASHLEY,

Defendants.

Upag
ENTERED

JUN 18 1998

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on May 20, 1998, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed pursuant to 28 U.S.C. § 1915A(b)(1) for failing to state a claim upon which relief can be granted. No objections have been filed. .

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed pursuant to 28 U.S.C. § 1915A(b)(1) for failing to state a claim upon which relief can be granted. A Final Judgment will be entered.

DATED this 18th day of June, 1998.


ROBERT B. PROPST

UNITED STATES DISTRICT JUDGE